

## FAST FACTS

### **Assigning Title I Personnel Non-Title I Duties**

Title I law states that public school personnel who are paid entirely with Title I funds may be assigned limited non-Title I duties that are assigned to similarly situated personnel not paid with Title I funds. Assigning Title I personnel non-Title I responsibilities would include such things as recess duty, detention duty, substitute teaching, and other areas.

**Section 1115(d)(2) of the No Child Left Behind Act states:**

- (d) *INTEGRATION OF PROFESSIONAL DEVELOPMENT—To promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—*
- (2) *assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.*

The amount of time spent on supervisory duties may not exceed the least of the proportion of time that similarly situated non-Title I personnel at the same school site spend performing these duties. Title I staff may not be assigned supervisory duties if there are no similarly situated non-Title I personnel at the same school site who perform the same duties.

The definition of similarly situated personnel may vary depending on the duties to be assigned. For example, if the duty is lunchroom supervision, it may be appropriate to consider all instructional personnel—teachers and paraprofessionals—as similarly situated. In a school where only Title I paid paraprofessionals and regular classroom teachers are assigned lunchroom supervision duties, Title I paid paraprofessionals could be considered as similarly situated and assigned to lunchroom supervision.

It is important that the LEA remember the purpose of this provision: to permit Title I staff to share in certain responsibilities to alleviate the “ill will” sometimes created by the former prohibition against Title I staff assuming non-Title I duties. This flexibility should not be used to devise ways to use only Title I personnel to carry out the supervisory responsibilities in a school. The LEA should ensure that Title I personnel do not carry a disproportionate share of the load. Moreover, the Title I program may not be harmed or altered by the use of Title I personnel for supervisory duties.

Title I teachers or paraprofessionals may also be assigned to supervise in-school suspension or detention classes if similarly situated personnel at the school site who are not paid with Title I funds are assigned these duties as well. The time spent by Title I personnel on these duties should not exceed the limits specified in the regulations.

A teacher or paraprofessional who is paid partially with Title I funds and partially with local district funds should not be assigned non-Title I supervisory duties while on Title I salary. This regulation only applies to personnel paid entirely with Title I funds so that only a minimal portion of their day could be spent on non-Title I duties. For instance, it would be unacceptable for a 50% paid Title I teacher to perform non-Title I related duties for one hour of the day. This would only leave three hours for Title I duties and would essentially impact and alter the Title I program. However, an LEA may assign staff partially paid with Title I funds to supervisory duties during time they are paid with non-Title I funds.

Title I personnel may be assigned substitute teaching responsibilities only if similarly situated personnel at the same school site are assigned these duties and performance of them does not exceed the time limits specified in the regulations. Before an LEA uses Title I personnel for substitute teaching, however, it must ensure that similarly situated personnel are also used for substitute teaching. For example, it would be unallowable to define “similarly situated” so narrowly that few other types of personnel would qualify and, as a result, Title I personnel would carry a disproportionate share of the substitute teaching responsibilities. Moreover, the Title I program cannot be harmed in order for the Title I teacher to do substitute teaching. For example, Title I classes may not be cancelled. Substitute teaching may be performed by Title I personnel only during non-teaching periods, for example, during planning periods.

#### **Contact Information**

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